



LIMITED PURPOSE AQUACULTURE LICENSE (LPA) APPLICATION



This is a joint application form for (1) a limited purpose aquaculture ("LPA") license from the Maine Department of Marine Resources (DMR) and (2) a permit for aquaculture gear from the U.S. Army Corps of Engineers (ACOE). You must have both an LPA license and Army Corps permit before you can place aquaculture gear in Maine coastal waters.

Incomplete Applications: Incomplete applications will be returned to the applicant resulting in significant delays in processing time. Do not leave any questions blank. Review each checklist carefully to make sure all required information is included. Contact Angel Wilson at (207) 624-6546 with any questions.

Fee: The Maine Department of Marine Resources requires a **non-refundable** fee of **\$50** for each LPA license application from Maine residents and **\$300** from non-residents of Maine. Make check payable to "Treasurer, State of Maine." There is no charge for the Army Corps permit.

Black Ink Only: Please use black ink when completing your application. DMR sends a copy of your application to the ACOE to expedite processing time. Colored ink and pencil often become illegible when scanned and copied and can result in delays for the applicant.

To apply for an LPA license: Complete this application form, including the required attachments. Send one copy of the application with the attachments and the license fee to the address below. MDMR will forward a copy of your application to the Army Corps of Engineers.

DEPARTMENT OF MARINE RESOURCES

ATTN: Angel Wilson

32 Blossom Lane

Augusta, ME 04332

APPLICATION CHECKLIST

Before submitting your application make sure you have answered all questions and included all of the following documents. ***Failure to do so may result in significant delays in processing time.***

Required documents for all LPA applications.

- ☐ **Check** for application fee (\$50 or \$300) Payable to “Treasurer, State of Maine.”
- ☐ **Vicinity map** with required items shown (Page 8 & Figure 1 on Page 9)
- ☐ **Overhead view** depicting layout of the gear from overhead (Page 12)
- ☐ **Cross-section view** depicting gear & moorings from the side (Page 13)

Documents that are only required for sites that are within 300’ from shorefront property (measured from mean low water mark). Applications for LPA sites in marina slips, lobster pounds, and similar sites are exempt from this requirement.

- ☐ **Tax map**, certified (Step 1, Page 15)
- ☐ **Riparian list**, certified (Page 17)
- ☐ **Copies of receipts** for sending certified mail to riparian landowners (Step 3, Page 15)

GENERAL INFORMATION

Name of Applicant (must be a person): **Ben Hamilton**

Address: **PO Box 281**

City: **South Freeport** County: **Cumberland**

State: **ME** Zip: **04078**

Telephone: **(508) 380-9371** Email address: **lovepointoysters@gmail.com**

Are you listed as an assistant on any existing LPA licenses? If yes, please list them (LPA Acronym):
No

Do you have any other current LPA licenses? If yes, please list them (LPA Acronym):
No

Assistant: **(1) Cameron Barner; (2) Kala Hamilton; (3) Broc Hardacker**

Location of license site: Town: **Harpwell** County: **Cumberland**

Water body: **Middle Bay**

Additional description (e.g., south of Hog Island): **Southeast of Upper Goose Island**

Is this site above Mean Low Water (is the site intertidal)? ☐ YES ☒ NO

If no above, is this site above Extreme Low Water (does the site ever drain)? ☐ YES ☒ NO

NOTE: If the site is above XLW OR MLW the Chair of the Municipal Shellfish Management Committee in your site town must sign page 14 of this application.

LPA Health Zone #: **5, Casco Bay**

NOTE: More information on LPA Health Zones can be found on MDMR's website.

Purpose (Check one):

☒ **Commercial** (product is ultimately sold)

☐ Recreational (product kept for personal use, not sold)

☐ Municipal Shellfish Management

☐ Scientific

☐ Educational

Species and Source of Stock: Check each species to be cultivated and list the source of stock for each. *Note:* Any seed that does not come directly from an approved hatchery is considered “wild” seed and must come from within the LPA License Health Area in which your license is located, OR you will need a transfer permit from DMR aquaculture biologists. Clams, other than razor clams, may only be obtained from a hatchery unless a town has issued a permit to collect wild stock.

Check Here	Species	Source of Stock (Name, address, & phone number)
<input type="checkbox"/>	Blue mussel (<i>Mytilus edulis</i>)	
<input type="checkbox"/>	Hard clam/quahog (<i>Mercenaria mercenaria</i>)	
<input type="checkbox"/>	Hen clam (<i>Spisula solidissima</i>)	
<input type="checkbox"/>	Soft-shelled clam (<i>Mya arenaria</i>)	
<input type="checkbox"/>	Razor clam (<i>Ensis directus</i>)	
X	American or eastern oyster (<i>Crassostrea virginica</i>)	Muscongus Bay Aquaculture PO Box 204, Bremen, ME 04551 (207) 529 4100
<input type="checkbox"/>	European oyster (<i>Ostrea edulis</i>)	
<input type="checkbox"/>	Sea scallop (<i>Placopecten magellanicus</i>)	
<input type="checkbox"/>	Green sea urchin (<i>Strongylocentrotus droebachiensis</i>)	
<input type="checkbox"/>	Bay scallop (<i>Aequipecten irradians</i>)	
<input type="checkbox"/>	Marine algae (all seaweeds, including kelp)	List each individual marine algae species and sources of stock here:

Coordinates: Enter geodetic coordinates for the center point of the license site below. Please enter your coordinates **in one of the following three formats:**

- 1) Degrees, Minutes, Seconds (43° 12' 34.56" N, 69 12' 34.56" W)
- 2) Degrees, Minutes (43° 12.34' N, 69° 12.34' W)
- 3) Decimal Degrees (43.123456 N, -69.123456 W)

Latitude: **43.798554 N**

Longitude: **70.032472 W**

Water Quality: Pollution Area (e.g. "19-A"): **17B** Pollution Area Section # (e.g. "B.2" or "none"): **None**

Water Quality Classification: **Open Approved**

(Go to <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html> for information)

Eagle's nest: Is there an eagle's nest within 660 feet (200 m) of the LPA? ☐ Yes ☒ **No**

If yes, contact Erynn.Call@maine.gov What restrictions does MDIF&W suggest for your proposed activities at this location?

Description of License Site (*in sentence form, describe the site below*):

Surrounding uplands (*i.e. forested, residential, farmland, commercial*): **Forested conservation land to northwest on Upper Goose Island and residential parcels to southwest on Lower Goose Island. There is only one residence in view, which is approximately 1,650' from proposed license site.**

Bottom characteristics (*description of substrate including flora and fauna*): **Mix of marine mud, sand, gravel, and rock with typical benthic flora and fauna associated this type of substrate and depth: worms, clams, starfish, European oysters, tunicates, and rockweed.**

Depth at mean low water in feet: **13ft**

Depth at mean high water in feet: **22ft**

Eelgrass: Are there eelgrass beds on or near the site? If none, write "None." If so, where? How far are they from the site? **Yes; in the DMR site review for Experimental Lease MID Glx dated August 9, 2018, the DMR discovered two eelgrass beds approximately 1,500' northeast of proposed site. Otherwise, in the more immediate vicinity (200' radius) of proposed license site, I did not observe any eelgrass.**

When were these eelgrass observations made? Month and Year: **July, August, & September of 2018**

Existing Uses: Describe, in detail, all current uses of the waters on and around the proposed license site. *Including the type, frequency, season, duration, and amount of activity.*

Commercial Fishing: **Lobstering takes place seasonally from June through November - primarily in the deeper navigational channel to the east of proposed site.**

Recreational Fishing: **Have yet to observe any recreational fishing on proposed site.**

Boating: **Since the proposed site is outside the primary navigational channel to the east, minimal recreational boat traffic takes place. Have yet to observe any on proposed site.**

Other Uses: **occasional kayak or paddleboard will pass by.**

Harbormasters Initials indicating the "existing uses" information is correct: _____

VICINITY MAP

Attach a vicinity map showing the LPA site and surrounding area. An enlargement of a NOAA chart or USGS Topographic map is suggested to provide this information. On the map, show the following:

- Location of proposed site
- 300' radius circle around site
- 1,000' radius circle around site
- North Arrow (indicate true or magnetic north)
- Show depth contours and indicate mean low water (MLW) and mean high water (MHW) on all land adjacent or nearest the site.
- Ebb and Flood directions
- Scale used on plan
- Distance to DMR water quality closure lines
- Gear orientation

Label the location on your vicinity map, and check each of the following below, that are within 1,000 feet of the site.

☐ Federal navigation projects or anchorages

X Navigational channels

☐ Structures

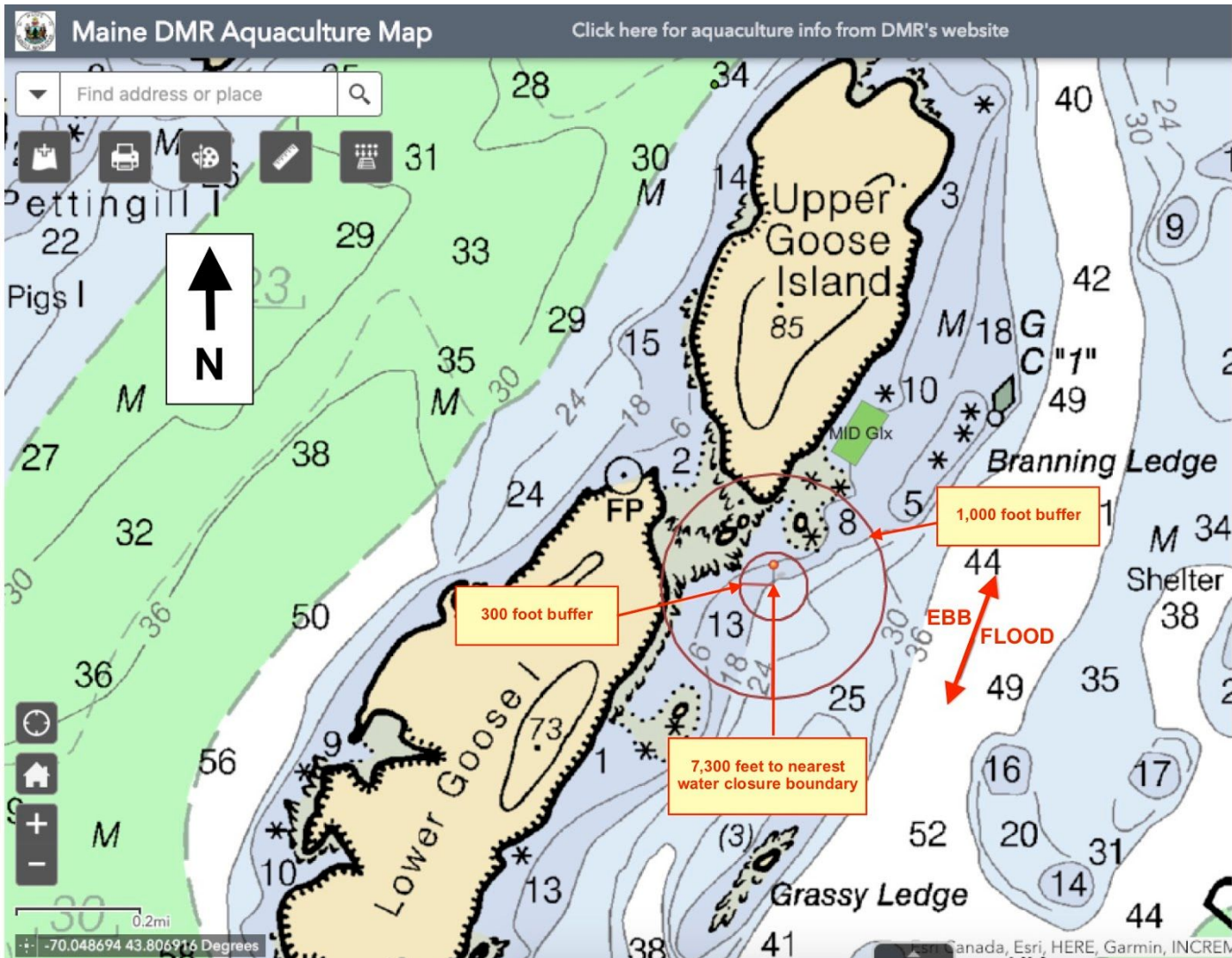
☐ Aquaculture leases or licenses (LPAs)

☐ Anchorages or moorings

☐ State or federal beaches

☐ Docking Facilities

☐ None of the above



GEAR DESCRIPTION

No Gear (bottom culture only): Organisms will be cultured on the bottom with no gear or predator netting.

Upweller: Floating upweller system for spat growout.

Shellfish rafts, associated predator nets and spat collectors: Floating raft with suspended dropper lines and anti-predator netting typical of mussel culture. E.g. mussel raft.

Shellfish tray racks and over wintering cages: Box shaped cages made of rigid mesh (wire coated or plastic), often with interior shelves designed to hold soft mesh bags. Tray racks are often outfitted with floats that double as feet to hold the cages off the bottom. E.g. OysterGro and OysterRanch cages.

Soft bags, semi rigid bags, and/or floating trays: Single-layer soft mesh bags that are typically made of rigid plastic or wire mesh. Bags are most frequently floated on the surface in lines, placed inside tray racks/overwintering cages, or sunk to the bottom.

Lantern nets and/or pearl nets: A lantern net is a five or ten tier set of circular nets suspended from a central line. A pearl net is a single, pyramidal mesh enclosure.

Fencing and brushing: Typically used by municipal shellfish programs in the intertidal zone for collection of soft shell clam spat.

Scallop spat collector bags: Mesh bags containing additional material (e.g. smaller mesh, Brillo pads) to increase surface area. Multiple bags are typically attached to a single vertical line.

Scallop ear hangers: Horizontal or vertical lines that attach to individual scallops by ear hangers.

Marine algae gear: Gear typically used May include rope, rafts with ropes attached, bags, longlines, and or rope grids.

Bottom anti-predator netting: Netting that is spread over the bottom to exclude predators from species being cultured.

Check each gear category that you are seeking authorization for.

- ☐ No Gear (bottom culture only)
- ☐ Upweller
- ☐ Shellfish rafts, associated predator nets and spat collectors
- X Shellfish tray racks and over wintering cages**
- X Soft bags, semi rigid bags, and/or floating trays**
- ☐ Lantern nets and/or pearl nets
- ☐ Fencing and brushing
- ☐ Scallop spat collector bags
- ☐ Scallop ear hangers
- ☐ Marine algae
- ☐ Bottom anti-predator netting

LIST EACH INDIVIDUAL GEAR TYPE THAT YOU WILL USE IN THE TABLE BELOW

Specific Gear Type and Maximum Number to be used (e.g. (20) soft mesh bags)	Dimensions (e.g. 16"x20"x2")	Dates that gear will be in the water
HDPE Mesh Bags (48 bags max)	35" x 18" x 3"	Year Round
OysterGro Cages (12 cages max)	41" x 37" x 21"	April-Dec: on surface Jan-March: on bottom

Outer dimensions of maximum gear layout:

Width (1' or more): **4 feet** Length (1' or more): **100 feet**

Note: Gear, excluding mooring equipment, may not exceed 400 square feet and must be provided in whole feet.

Moorings: Describe the tackle to be used inclusive of mooring type, poly line, bottom tackle, etc.

During grow out season (April - December), a suspended aquaculture method will be used - 100' of 3/8" poly line with bridals will be connected to a maximum of twelve 4-bag OysterGro cages, each holding four HDPE mesh bags. The longline will be moored at each end at 2:1 scope to a 100lb mushroom mooring, 5' of 3/8" chain, and 3/8" poly line.

Overwintering: Will gear remain on the site during the winter?

X Yes ☒ **No** ☐

If yes, describe the changes between growing season and overwintering.

During overwintering season (January - March), all tackle will remain the same but OysterGro cages will be sunk in place to overwinter on the bottom.

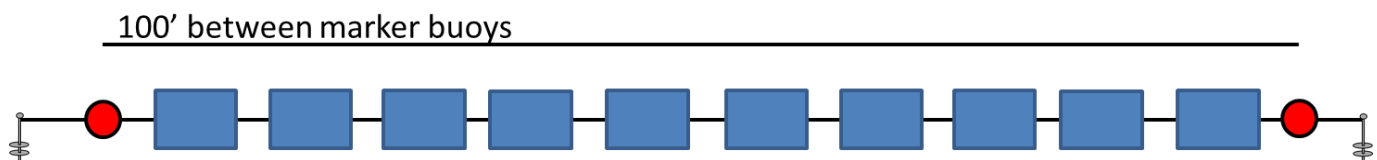
OVERHEAD VIEW AND CROSS-SECTIONAL VIEW OF GEAR LAYOUT

ATTACH both an overhead view and cross-sectional view drawing on 8 ½" x 11" paper, drawn clearly and dark enough to photocopy. Do not use color shading; it will not show on copies. Additional sample drawings are posted on the DMR web site at: <http://www.maine.gov/dmr/aquaculture/forms/lpa.html>

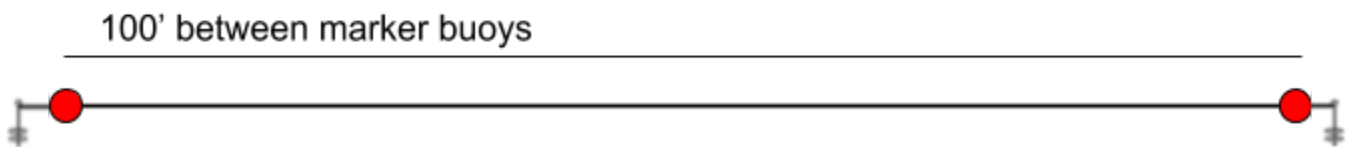
Overhead View: From an overhead view, show the **maximum** layout of gear to be deployed on the site. **Label** gear to show number of units, dimensions, and materials. Include drawings of individual types of gear. Show on the plan that the area occupied by the gear, excluding mooring equipment but including space between items of gear, will not exceed 400 square feet.

NOTE: A SEPARATE OVERHEAD VIEW DRAWING IS REQUIRED FOR EACH POSSIBLE GEAR CONFIGURATION, INCLUDING CHANGES FOR OVERWINTERING

Overhead view of OysterGro configuration during grow out season (April - December):



Overhead view of OysterGro configuration during overwintering season (January - March):



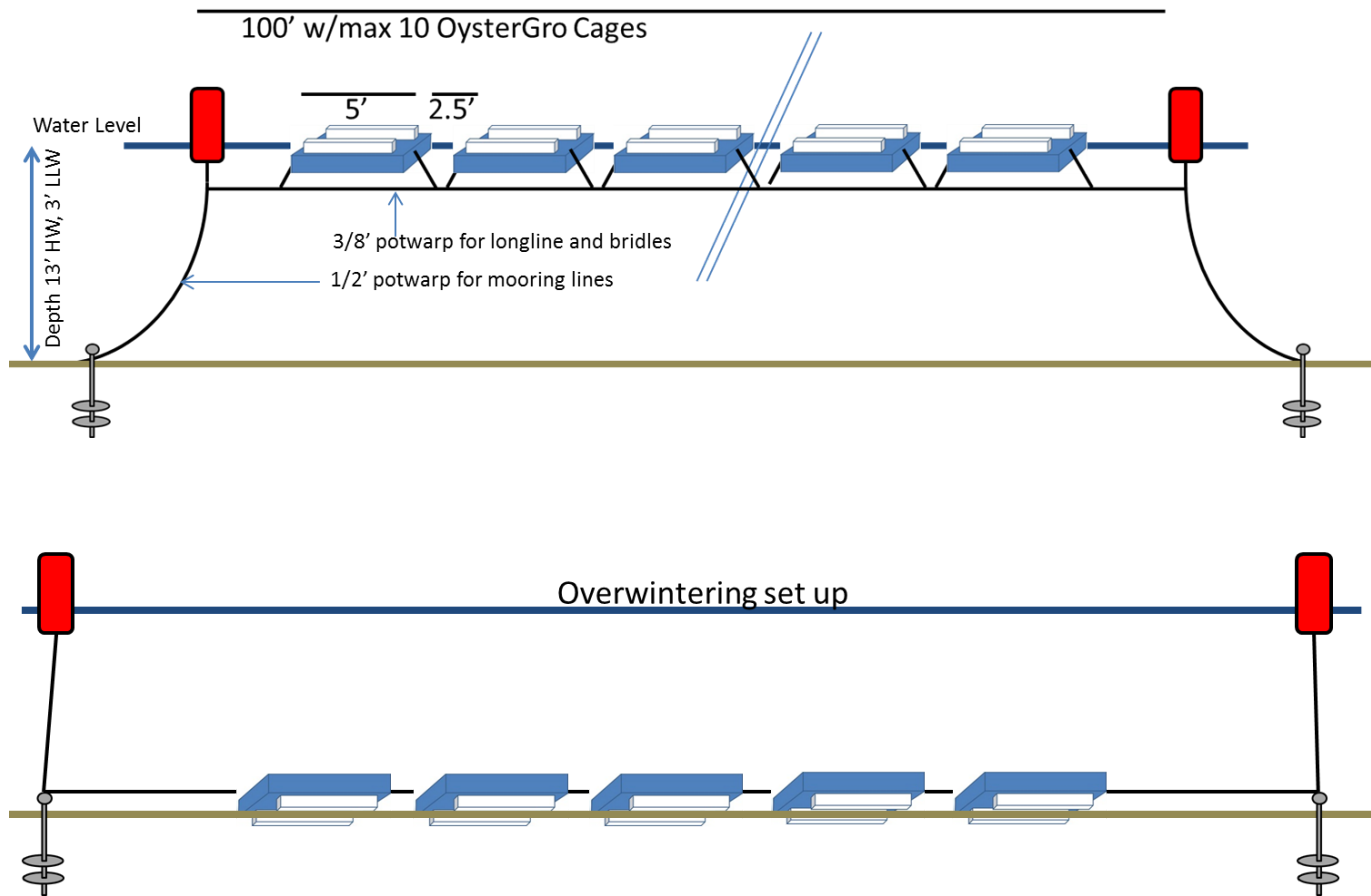
Note - proposed gear configuration will differ from above drawing in the following ways:

- 100lb mushroom anchor at each end instead of helix anchor

Cross-Section View: Show the sea bottom substrate, mean high and low water marks, and profiles of gear in cross-section as it will be deployed. **Label** all gear with dimensions and materials. **Show** mooring gear with mooring type, scope, hardware, and line type and size. Drawing must depict water depth at mean high- and mean low-water.

NOTE: A SEPARATE OVERHEAD VIEW DRAWING IS REQUIRED FOR EACH POSSIBLE GEAR CONFIGURATION, INCLUDING CHANGES FOR OVERWINTERING.

Cross-section view of OysterGro cages configuration:



Note - proposed gear configuration will differ from above drawing in the following ways:

- 100lb mushroom anchor at each end instead of helix anchor
- Depth at MHW is 22 feet and depth at MLW is 13 feet
- Each OysterGro cage is 41" long with 48" of spacing in between and 90" on ends to buoy
- 100 feet with 12 OysterGro cages max
- $\frac{3}{8}$ " poly line used throughout

REQUIRED SIGNATURES

Harbormaster or Town Official Signature

I have reviewed this license application and find that this activity, as proposed, will not unreasonably interfere with navigation, the ingress and egress of riparians within 300' of the license site, or fishing or other uses of the area.

Print Name, Town, Title:

Date

Signature of Harbormaster or Town Official

Note: Harbormasters may attach an additional page outlining any conditions associated with their approval of this license.

DMR Rule Chapter 2.90 (2) (D) (2) – In municipalities not served by a harbormaster, a municipal officer (selectman, councilor, alderman, or mayor, see 30-A MRS §2001 (10)) or other **elected municipal official may sign the application. For the unorganized territory where a harbormaster does not have jurisdiction, a marine patrol officer may sign.*

OTHER SIGNATURES REQUIRED AS NOTED BELOW

Marina or Pound Owner

(For sites in marina slips, lobster pounds, and similar areas - see DMR Rule Chapter 2.90 2 (E)(1))

I, _____ (print name), am the owner or the authorized representative of the owner or entity that has the legal authority to restrict access to or use of the marina slip, lobster pound, or similar area where this LPA license site is located, as described in DMR Rule Chapter 2.90 (1) (B). I consent to the placement of aquaculture gear on this site as proposed in this application.

Signed:

Date:

Riparian Landowner of Intertidal Zone:

(For sites above mean low water, MLW – see DMR Rule Chapter 2.90 (2)(D)(3)(b))

I, _____ (print name), am the riparian owner of the upland and adjacent intertidal land where this LPA license site is located. I consent to the placement of aquaculture gear on this site as proposed in this application.

Signed:

Date:

Shellfish Committee Chair

(For sites above extreme low water, XLW see DMR Rule chapter 2.90(2)(D)(3)(a). Only required in municipalities with an established Municipal Shellfish Committee)

I, _____ (print name), am the chairperson of the Municipal Shellfish Management Committee for the Town of _____. This LPA license site is located above the extreme low water mark. My signature below verifies that this LPA will not unreasonably interfere with the activities of the municipal shellfish management program, according to DMR Rule Chapter 2.90 (3) (a).

Signed:

Date:

Riparian Notification

Is there shorefront land (including land above MLW and state and federal owned land) within 300 feet of the proposed license site?

☐ Yes ☒ No

If yes, you are required to send a copy of your application to all riparian property owners whose property is within 300 feet of the proposed license site following the directions below. If there is no shorefront land within 300 feet, you may skip this section. Applications for LPA sites in marina slips, lobster pounds, and similar sites are exempt from this requirement.

INSTRUCTIONS FOR NOTIFICATION TO RIPARIAN LANDOWNERS

Step 1, Tax Map: Obtain a certified copy of the municipal tax map showing the land in the vicinity of the lease site. On the map, **mark** the center point of the LPA site. If there is an accurate scale on the map, **draw** a 300-foot radius around the site. **ATTACH THE MAP TO YOUR APPLICATION**

NOTE FOR LPAs PROPOSED IN UNORGANIZED TERRITORY: To obtain a list of shorefront properties for LPAs in Unorganized Territory, contact Lisa Whynot, Property Appraiser II, Unorganized Territory, 24 State House Station, Augusta, Maine, 04333.

Step 2, Riparian Owners List: On the “Certified Riparian List” (Page 17 below), list the names and current mailing addresses of all riparian landowners of shorefront land within 300 feet of the lease site as shown in the municipal tax records. **Have the list certified by the municipal clerk or tax collector.**
ATTACH THIS LIST TO YOUR APPLICATION

Step 3, Notify Riparians: **Send** a copy of the completed application, including the page of this application titled “Notice to Riparian Landowners” (Page 16 below), via **certified mail** to all the riparian landowners on the list. Note: Name and address must be filled out on receipt(s). **ATTACH THE ORIGINAL (OR COPIES) OF THE RECIEPTS TO YOUR APPLICATION**

[THIS SECTION INTENTIONALLY BLANK]

APPLICANT'S SIGNATURE

I declare that the information I have provided on this form is true and correct and that I will comply with all applicable DMR laws and rules. I understand that, under Title 12 MRS §6306, my signature on this application authorizes Marine Patrol officers to inspect my license site. I understand that my license can be revoked if I provided false information in my application.

Ben Hamilton

Signature of Applicant

02/28/2019

Date

Note: When the applicant is a municipal shellfish management committee, the committee chair shall sign the application (C.2.90 (2) (D) (1)).

Before submitting your application make sure you have answered all questions and included all of the following documents. *Failure to do so may result in significant delays in processing time.*

Required documents for all LPA applications.

- ☐ **Check** for application fee (\$50 or \$300) Payable to "Treasurer, State of Maine."
- ☐ **Vicinity map** with required items shown (Page 8 & Figure 1 on Page 9)
- ☐ **Overhead view** depicting layout of the gear from overhead (Page 12)
- ☐ **Cross-section view** depicting gear & moorings from the side (Page 13)

Documents that are only required for sites that are within 300' from shorefront property (measured from mean low water mark). Applications for LPA sites in marina slips, lobster pounds, and similar sites are exempt from this requirement.

- ☐ **Tax map**, certified (Step 1, Page 15)
- ☐ **Riparian list**, certified (Page 17)
- ☐ **Copies of receipts** for sending certified mail to riparian landowners (Step 3, Page 15)